A

21.7.47

R. dis. **File No.** 110

1939

Collection No.

1

P21

K

Pros. / Serial Nos. 1 — 7.

Subject.

Report on the audit of the accounts of the Official Receiver, C & M. Station Bangalore for the year ending with 31/3/38

Previous References.

264/14
737/36. W

Later References.

97538/40

S. 97.—(Green).

MFP—1663 S&P—(M-2971)—24-6-38—100,000.

Dy.No. 685 S.N. 1

1

(F) Please see paras 2 to 5 of notes on File No.737-36 for an account of the system that prevails in the Station now. After a careful examination of the question, the Resident directed in 1937 that the existing arrangements should continue for the present. Please see paras 16 and 17 of notes on that file.

S.N. 5
Cor.p. 17
(F) F 737-36

2

S.N. 1
Cor.p. 1
(A) R.Dis.F. 558-38

The question was opened again by the District Judge at the end of 1937 while forwarding a representation from the Official Receiver's clerk. On that occasion F.A. went into the details of the system with great care: paras 7 to 34 of notes, and sent up his opinion. After an examination of the question from the points raised, orders were passed that the Resident did not propose to open the question, in view particularly of the possibility of Retrocession very shortly. (Please see paras 40 and 50 of notes).

(A)

S.N. 2
Cor.p. 7 do

3

The District Judge now requests that for the reasons stated, Resident may reconsider his decision and accord sanction to introducing the Madras system of the provincial funds meeting the expenditure of the establishment and contingencies of the Official Receiver. It may be pointed out that in 1925 on a reference from this Residency, the District Judge stated that it appeared to him unnecessary for the Government then to meet the cost of the Official Recevier's establishment as the accumulated interest in the hands of the Official Receiver would be sufficient enough to meet his establishment charges for some years to come. It may be seen that if the same thing can be said now, the matter can well be deferred with Retrocession still a live issue. Please see the audit report annexed to District Judge's letter. The balance in the General Contingent Fund at the end of

S.N. 20
Cor.p. 39
(T) F. 264-1914

1937-38

1937-38 was Rs.3,409-12-1. Not less than about Rs.300/- is earned every year by way of interest on fixed deposits referred to in para 10 of F.A.'s note of May 1938, and Rs.840/- is spent, the net expenditure being only about Rs.500/-, not to speak of other accretions to the Fund too. In any case it appears the system can well work for another 5 years. From the view taken on this question and orders passed thereon, it appears it is clear that there is no fundamental objection of any kind to the introduction of the Madras system, except that the Administration need not take on hand any further commitments at this stage when Retrocession proposals are being examined. It is for consideration whether the District Judge may be informed that the Resident does not propose to open the question now, and that the request should be renewed 2 years hence. The Retrocession question will then have taken a shape.

(A)

4 at the bottom of file, please.

The letter addressed to the Accountant General, Madras, has been sent as usual in duplicate. It may be forwarded with the following endorsement: "Forwarded. Secretary to the Resident".

5 For orders.

ASRao
30.1.39

(from para 1)

Secretary. 6 I think we might continue the system for the present, while there is still sufficient money, & I ~~still~~ do not wish to change my former opinion. But I should like F.A. to see this correspondence

[illegible]
31/1/39.

F.A. o/o

Financial Adviser, to the Hon'ble the Resident, Cantt. station, Bangalore

u/o No D. 685-39/R.O.I. dated the 31st Jan. 1939.

Seen.

7 The following are the amounts of commission received by the Official Receiver since 1933-34 at 5% of gross collections.

1933-34	...	Rs. 735
1934-35	...	2001 ✓
1935-36	...	1065
1936-37	...	3549 ✓
1937-38	...	1188
1938-39	(10 months)	1658

In Madras the 5% commission is limited by the condition that if the commission exceeds Rs.125/- per mensem a deduction on a sliding scale should be made from the excess In 1925 the District Judge reported that in view of the small area of the Civil and Military Station the commission would not exceed Rs.125/- per mensem except very rarely and hence the sliding scale of deduction in Madras need not be applied here. It will, however, appear from the figures noted above that commission exceeding Rs.125/- per mensem is not a rarity and that the Madras practice may well be adopted here. The deductions ~~for~~ from excess commission may be credited to the 'contingent fund' and this will to some extent cover the gap between the annual receipts and ~~expendi~~ expenditure of the fund.

Para 6 of SN 14 of 264/1914 (T)

J. N. Rajagopalan
13.2.39

Seen

8 I think this might be done what is the Madras Sliding Scale

H. Mulyan.
14/2/39.

9 Please see para 4 of letter from the A.G. Madras to the District Judge dated the 6th December 1935.

(from para 8)

Con. p. 6 (F)
F. 737-36
Secretary.

ASR
15.2.39

10 We may say

Forwarded.

The Hon'ble the Resident does not propose to consider an alteration in the system by which establishment and contingent charges are now paid, in view of the possibility of retrocession in the near future. It appears that funds will be sufficient at any rate for several years to come. He is examining the a proposal to add slightly to the General Contingent Fund by deduction on the modes sliding scale from the 5% commission paid to the Official Receiver, when it exceeds Rs 125 per month

11 Then we can make the proposal to Dr. Judge. Normally it will mean little difference, but might help if a big estate came in.

17/2/39

Resident. 12. Agreed

19/2

13 Draft to the Accountant General is submitted.

20.2.39

21/2/39. (from para 10)

20.2.39

Secretary.

S. N. (2) issue

14 Please see paras 10 and 11 of notes. Draft to the District Judge is submitted for approval.

Dsrao
25.2.39

(para 14)
27/2/39.

Secretary.
(J) c.p.7

S. N. 3. Issue

c.p.8 Dy.No.3935 S.N.4

15 The District Judge says that the average monthly income of the Official Receiver during the last twelve months has not exceeded Rs.125/-. For orders.

Perhaps F.A. may see for remarks.

28.4.39

SECY.

16 F.A. may see. Dr. Judge's figures do not appear to coincide with those in para 7 of notes.

30/4/39.

F.A.

17 The figures in para 7 are those furnished by the Official Receiver in his letter D no 207 d 6.2.1939.

7L (A)

J. N. Rajagopalan
3.5.39

Secy

18 Inform Dr. Judge of Official Receiver's figures, & ask if he has any further remarks on the question in the light of these figures.

11/5/39

J.C

19

Draft is submitted with reference to para 18.

ASRao
17.5.39

18/5/39.

Secretary.

S.N. 5. Issue.

Await

20

Not issued in view of the receipt of S.N 6, Since
ASRao
22.5.39.

Please see S.N. 5. Perhaps a reminder may be issued. Draft is submitted for approval.

ASRao
20.5.39

21/5/39.

(para 20)

Secretary.

Dy.No. 6287 S.N. 6

S.N. 5 Cor. p. 9 (J) 21

Please see letter from this Residency dated the 25th May 1939 to which District Judge's present letter is the reply. He was only asked ~~to~~ whether in the light of the figures regarding the commissions earned by the Official Receiver during the last 6 years, he had any further remarks on the question whether it is reasonable to add to the ~~Remang~~ general contingent fund by deduction from the commissions on the Madras scale. It is not clear how the fact of the local Official Receiver investing funds and earning interest thereon is relevant to the question referred to him. He further reopens for the fourth time the question of the Official Receiver's establishment - the present clerk - and suggets again that the Madras system may be introduced as regards the establishment: namely take the clerk into Government service.

please see paras 1 to 3 of notes.

22

The question for consideration is whether a deduction on the Madras scale may be made from the Official Receiver's commission when it exceeds Rs.125/- per month. Please see the District Judge's letter dated the 15th April 1939. As pointed out by him Official Receiver's jurisdiction here is a smaller area, and the scope for earning a decent income is less, unless perhaps a big estate came up some time. From the figures furnished by F.A. in para 7 of notes, it may be seen that out of the 6 years shown, deductions would have been possible only in 2 years. As pointed out in para 3 of notes, the net expenditure per year is Rs.500/-, and there are sufficient funds now in the General Contingent Fund for the system to work for at least ~~Cur~~ another 5 years. In ~~Anyo~~ any case, the deductions, it appears, will not be a substantial augmentation to the General Contingent Fund. Perhaps the prospect of Retrocession vis-a-vis provincialising the system applies to this ~~case~~ case also. The question may, it appears, be taken up 2 years later. Submitted for orders.

S.N. 4 Cor. p. 8 (J)

President / Secretary.

We can drop it. Not enough in it 23/6/39.

22.6.39

25 Please see paras 23 and 24 of notes. The A.G.Madras and the District Judge may be informed of the decision. Two drafts are submitted for approval.

ASRao
6.7.39

Secretary.

Ramayya
7/7/39

(para 25)

S.iv. (7d 8) Issue

Avail-
6 8.39

Record.
ASRao

D No. 277/39 Enclos. 4 Sheets

S.N.1

DISTRICT AND SESSIONS COURT,
CIVIL AND MILITARY STATION,
Bangalore, dated 17 - 1 -193 9.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
20 JAN 1939
Diary No. 685
File No. ..... To

FROM

P. Medapa Esq., B.A., B.L.,
DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

The Accountant-General,
Madras.

Through

The Secretary to the
Hon'ble the Resident in Mysore,
Bangalore.

SIR,

Subject:- Report on the audit of the accounts of the Official Receiver, C & M Station, Bangalore for the year ended with 31-3-1938.

I have the honour to forward herewith a copy of the report of audit and inspection of the accounts of the Official Receiver, C & M Station, Bangalore for the year ended with 31-3-1938, with the Official Receiver's reply thereto and with my remarks below, (in duplicate) for the orders of the Hon'ble the Resident.

2. General contingent fund (Para 1 of the audit report.). It has been pointed out now in the audit report that the interest received annually is not sufficient to meet withdrawals on account of establishment and contingent charges since 1934-35, due to the fall in the rate of bank interest. This contingency was pointed out by me in paragraph 5 (c) of my letter No.D.859/36 dated 28-2-36 addressed to the Accountant-General, Madras, through the Secretary to the Hon'ble the Resident in Mysore. This is one of the several defects in the existing system and one of the several reasons why I urged, even then that the Madras system of the provincial funds meeting the expenditure on the establishment and contingencies of the Official Receiver

Receiver should be introduced in this station also. I do not think it is possible to reduce the expenditure of the office of the Official Receiver now. Nor can I suggest any other means to supplement the income earned by way of interest by that office. I would therefore request that the Hon'ble the Resident may be pleased to reconsider his decision on the above question (which was communicated to me in your letter No.F.737-36/R.O.I dated 1-2-37) in the light of facts contained in paragraph 1 of the present audit report.

S.N. 5
Gen. p. 17
F. 737-36

(F)

I have the honour to be,
Sir,
Your most obedient servant,

District & Sessions Judge.

AV.

Audit Notes on the audit of the accounts of the Official Receiver, Civil and Military Station, Bangalore.

No. of item.	Remarks by Accountant-General.	Replies by Official Receiver.

1. **General Contingent Fund.**

The expenditure in connection with the establishment and contingencies of the Official Receiver is met out of a general contingent fund constituted out of interest earned on deposit of the estate funds administered by him and invested in a separate account in the Bank apart from estate funds. From the following table it could be seen that the interest received annually is not sufficient to meet withdrawals on account of establishment and contingent charges since 1934-35, due to the fall in the rate of Bank interest. Either steps should be taken to reduce the expenditure or to supplement the income earned by way of interest by other means.

General Contingent Fund.

Year.	Opening Balance.	Addition by way of interest on investments.	Total.	Withdrawals for contingency expenditure.	Balance at the end of the year.
1933-34.	4382-13-9	982-12-0	5365-9-9	840-0-0	4525-9-9
1934-35.	4525-9-9	737-0-0	5262-9-9	840-0-0	4422-9-9
1935-36.	4422-9-9	499-1-4	4921-11-1	687-0-0	4234-11-1
1936-37.	4234-11-1	491-5-0	4726-0-1	838-0-0	3888-0-1
1937-38.	3888-0-1	361-12-0	4249-12-1	840-0-0	3409-12-1.

2. **Audit Fees.**

A sum of Rs 124-4-0 (Rupees one hundred and twenty four and annas four only) is due to Government as audit fees. This

2. The audit fee viz.,

No. of item.	Remarks by Accountant-General.	Replies by Official Receiver.
	This amount may kindly be remitted into the Treasury to the credit of "XLVI Miscellaneous - Central - Fees for Government Audit - Central" and the fact intimated to audit. Sd/- C.N. Subramania Iyer, Dy. Accountant-General.	Viz., Rs 124-4-0 due to Government was credited into the Treasury on 19th December 1938. Sd/- B.G.Kosal Ram. Official Receiver. 4-1-1939.

-6

True Copy.

P. [illegible]

District [illegible]
[illegible]
[illegible]

S. No. 2

DEPARTMENT.

BRANCH.

File No 15

Serial No.

Issue 24/2

Draft Letter / Memorandum / Telegram

R.Dis.

Class for telegrams: Ordinary / Express / Urgent* / Priority / Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

To be issued on — Issued on

Issued 24/2/39

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures) Shab

(Code word for telegrams.)

copy of P.u.c – at bottom of file.

No. F. 110-39 R.O. I

Dated 24th Feby. 1939.

To

The Accountant General,
Madras.

Report on the audit of the accounts of the Official Receiver, Civil and Military Station, Bangalore, for the year ending with 31st March 1938.

Sir,

I am directed to forward letter from the District & Sessions Judge, Civil and Military Station, Bangalore, D.No. 277/39, dated the 17th January 1939.

The Hon'ble the Resident does not propose to consider an alteration in the system by which establishment and contingent charges are now paid, in view of the possibility of retrocession in the near future. It appears that funds will be sufficient at any rate for several years to come. He is examining a proposal to add slightl to the general Contingent Fund by deduction on the Madras sliding scale from the 5% commission paid to the Official Receiver, when it exceeds

S. 5.

MFP—1457 S&P—(M-2705)—25-2-38—6,000 Pads.

S N. 3

7

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

R. Dis. No. F. 110-39 / R.O. I.

Issued 28/2/39

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The District and Sessions Judge,
Civil and Military Station,
Bangalore.

Dated Bangalore, the 28 February 1939.

Report on the audit of the accounts of the Official Receiver, Civil and Military Station, Bangalore, for the year ending with 31st March 1938.

SIR,

I am directed to refer to your letter to the Accountant General, Madras, D.No.277/39, dated the 17th January 1939.

S. N. 1/c.f.1.

2. The Hon'ble the Resident does not propose to consider an alteration in the system by which establishment and contingent charges are now paid, in view of the possibility of retrocession in the near future. It appears that funds will be sufficient at any rate for several years to come.

3. He would be glad of your opinion whether it is reasonable to add to the general contingent fund by deduction on the Madras sliding scale from the commission of 5% paid to the Official Receiver, when it exceeds Rs.125/- per month.

I have the honour to be,
Sir,
Your most obedient servant,

S/c

SECRETARY TO THE RESIDENT.

VNS

J.C
17/4

D No 1885/39 Enclos.

8

District and Sessions Court,
Civil and Military Station,
Bangalore, dated 15th. Apr. 193 9.

From

P. Medapa Esq., B.A., B.L.,

DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
17 APR. 1939
Diary No. 3935
File No.....

12 D 110/39

The Secretary to

The Hon'ble the Resident in Mysore,

Bangalore.

Sir,

Subject:- Report on the audit of accounts of the Official Receiver, C. & M. Station, Bangalore for the year ended with 31-3-1938.

(J) S.N. 3 / C.f. 7

With reference to paragraph 3 of your letter No. F.110-39 / R.O. I, dated 28-2-39, I have the honour to state that the Official Receiver here exercises jurisdiction over a small area (the C. & M. Station of Bangalore only) unlike the Official Receiver in a Madras District whose jurisdiction extends to a whole district with the result that the scope for earning a decent income by way of commission every month is much less in the case of the local Official Receiver than in the case of a corresponding Officer in the Madras Presidency. I find that the average monthly income of the Official Receiver of this Station during the last twelve months has not exceeded Rs.125/-. In the above circumstances, I am of opinion that it is not necessary or desirable to introduce the Madras System of making deductions from the Official Receiver's commission on a sliding scale, in this Station.

I have the honour to be,

Sir,

Your most obedient servant,

P. Medapa

District & Sessions Judge.

J.F.

S.N. 5

R.Dis.No.F.110-39
[redacted] Judl.

19

Dated, 25th May 1939.

Issued 25/5/39

Issue 22/5

To

The District and Sessions Judge,
Civil and Military Station,
Bangalore.

Report on the audit of the accounts of the Official Receiver, Civil and Military Station, Bangalore, for the year ending with 31st March 1938.

Sir,

I am directed to refer to your letter D.No.1885/39, dated the 15th April 1939.

× P.U.C S.N. 4

It is reported that the Official Receiver received the following amounts of commission since 1933-34:

para 7 of notes.

1933-34	. . .	Rs.735
1934-35	. . .	2001
1935-36	. . .	1065
1936-37	. . .	3549
1937-38	. . .	1188
1938-39 (10 months)		1658.

I am to ask whether in the light of these figures you have any further remarks to offer on the question referred to you in para 3 of my letter R.Dis.No.F.110-39/R.O.I., dated the 28th February 1939.

S.N. 3 Cor p. 7.

I have etc.,

(Sd) A.J. Courtney,

Secretary to the Resident.

Asrao 17.5.39

S.N. 6 | 10

Ja 2116

D No. 2486/39 Enclos.

J.C

District and Sessions Court,
Civil and Military Station,
Bangalore, dated 19th. June 1939

From

P. Medapa Esq., B.A., B.L.,

DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
21 JUN. 1939
Diary No. 6287
File No. R Dis 110/39

To

The Secretary to,
The Hon'ble the Resident in Mysore,
Bangalore.

Sir,

Subject:- Official Receiver's remuneration.

S.N. 5
Cor. p. 9

(J) With reference to your letter No. F.110-39 Judl dated 25-5-39, I have the honour to bring to your notice that the local Official Receiver has to invest the funds belonging to the insolvents estates and earn interest to meet his establishment charges which the Official Receivers in Madras Presidency do not do, If however the Hon'ble the Resident should decide to introduce the Madras system, I would suggest that the Madras rules may be introduced completely both as regards the Official Receiver and his establishment.

I have the honour to be,
Sir,
Your most obedient servant,

P. Medapa

J.F.

District & Sessions Judge.

The reply to this communication should be addressed to the Secretary to the Resident in My[illegible], Bangalore, by design[illegible] and not by name.

8 IV. 7

R. Dis. No. F. 110-39
Judl.

FROM

Issued
8/7/39

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

TO

The District Judge,
Civil and Military Station, Bangalore.

Dated Bangalore, the 8th July *19*39.

Report on the audit of the accounts of the Official Receiver, Civil and Military Station, Bangalore, for the year ending with 31st March 1939.

SIR,

I am directed to refer to the correspondence ending with your letter D.No.2486/39, dated the 19th June 1939.

2. The Hon'ble the Resident has decided to drop the proposal that an addition should be made to the general contingent fund by deduction on a sliding scale from the commission paid to the Official Receiver, since the amount involved is very slight.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

KK

The reply to this communication should be addressed to the Secretary to the Resident in My[illegible]e, Bangalore, by desig[illegible]n and not by name.

R. Dis. No. F. 110-39
Judl.

FROM

Issued 8/7/39

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

TO

The Accountant General,

Madras.

Dated Bangalore, the 8th July *19* 39.

Report on the audit of the accounts of the Official Receiver, Civil and Military Station, Bangalore, for the year ending with 31st March 1938.

SIR,

I am directed to refer to my letter R.Dis.No.F.110-39/Judl., dated the 24th February 1939.

2. The Hon'ble the Resident has decided to drop the proposal, since the amount involved is slight.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

KK